

PORT ROYAL PLANTATION PLANS APPROVAL BOARD GUIDELINES AND PROCEDURES JULY 2009

1.0 INTRODUCTION

1.1 Purpose

The Port Royal Plantation Plans Approval Board (hereinafter "PAB") is established by the Association of Landowners of Port Royal Plantation, Inc. (hereinafter "Association") in accordance with the "Declaration of Covenants, Restrictions, Charges and Liens" recorded in the Office of the Register of Mesne Conveyance for Beaufort County, South Carolina on March 4, 1973, Deed Book 209, Page 631, and subsequent amendments thereto and the "Protective Covenants and Restrictions" recorded in the RMC Office on March 4, 1973, Deed Book 209, Page 643. The covenants require that "all proposed plans for any structure or structures whatsoever and any additions thereto and remodeling thereof intended to be placed upon the lands within The Plantation" must be reviewed and approved by the PAB.

The objective of the PAB is to assure the orderly development of an **aesthetically pleasing and harmonious residential community** within Port Royal Plantation that preserves the natural beauty of Port Royal Plantation and the environmental setting, as well as the value of each property owner's investment. This is accomplished by reviewing all proposed projects for compliance with specific covenant/guideline requirements, and for aesthetic compatibility of its siting, exterior design and colors with other structures in the Plantation, topography and the environment.

1.2 Scope

Plans for any project to be accomplished upon land within the Port Royal Master Plan area must be submitted to, and approved by, the Plans Approval Board prior to starting. Such projects include all construction, modification, remodeling, and landscaping, including, but not limited to:

- Buildings, additions, walls, fences, garages, sheds, roads, driveways, walkways, parking areas, signs, patios, decks, external antennas, outdoor lights, propane tanks, electrical equipment, fixed sporting equipment, wells, statuary or any decorative structure;
- Dredging, filling, regrading, drainage systems and septic systems;
- Altering the exterior of existing structures in any way including, but not limited to, repainting (whether or not a new color), re-roofing, replacing windows or doors, replacement of wall siding, trim, decks, stairs, etc.;

- Removal of live trees that exceed a diameter of six (6) inches measured at four and one half (4.5) feet above the ground, or groups of three or more live trees within three (3) feet of each other, each of which exceeds three (3) inches in diameter measured four and one half (4.5) feet above the ground;
- Construction upon Port Royal Plantation Common Areas must be approved by the Association Board.

1.3 Objectives

Architectural, design and site review shall be focused on achieving the following objectives for Port Royal Plantation and Surrounds:

- Preventing excessive or unsightly grading, earth moving or clearing of property; removal of trees and vegetation which could cause disruption of drainage and natural water courses, or aesthetically scar natural landforms;
- Ensuring that the location and configuration of structures and landscaping is visually harmonious with the terrain and vegetation of the lot and surrounding areas; does not unnecessarily block scenic views from existing or potential structures; or tend to dominate any structures or natural landscape in the area;
- Ensuring that architectural design and construction of all buildings is harmonious in form and color with the neighborhood; is free from discordant architectural shapes and colors which vie for attention, or attempt to create a greater visual impact than any neighboring structures;
- Ensuring that landscaping plans provide visually pleasing settings for the structure and blend harmoniously with the natural landscape;
- Ensuring that any building design, siting and landscaping complies with the applicable Covenants and Guidelines.

The actions of the PAB shall in no way relieve the applicant from complying with all other applicable codes and/or requirements of any other regulatory agency.

1.4 Plans Approval Board Composition

The Plans Approval Board consists of a voting Chairman and six (6) other voting members who are appointed by the Board of Directors of the Association, and one (1) Administrator as follows:

One (1) Chairman, who must be a property owner or spouse of a property owner

Six (6) property owners, or spouses of property owners, who have an interest in and some experience in activities related to construction

One (1) Architect consultant

One (1) Landscape Architect consultant

One (1) Administrator

Each member of the Plans Approval Board shall have one equal vote, with the exception of the Architect, Landscape Architect and Administrator, who do not have voting privileges. The Administrator manages the PAB activities.

All actions and decisions of the PAB shall be passed by a majority of the eligible voting members. A quorum shall be a minimum of four (4) eligible voting members.

After inspection and approval by an authorized inspector, the Administrator has the authority to issue permits. On-site inspections include, but are not limited to, tree removals, re-roofing requests, repainting requests, direct broadcast satellite installations and irrigation well installations.

The PAB normally meets the first and third Tuesday of each month. The Administrator is located in the Association Administration Building, 10 Coggins Point Road, telephone 681-6813. Copies of these Guidelines and application forms may be obtained from the Administrator; all applications and fees must be presented to the Administrator.

2.0 DESIGN GUIDELINES

These design guidelines include both the specific requirements of the "Declaration of Covenants and Restrictions of the Association of Landowners of Port Royal Plantation" and those requirements derived from the covenants for **aesthetic harmony and compatibility with other structures in the Plantation, environment and topography**. In either case, failure of a design to comply with any requirement herein constitutes a variance, and must be specifically identified in all applications for a building permit. The Plans Approval Board has the authority to disapprove any submittal solely on the basis of aesthetics.

2.1 Building Size

Only one single-family dwelling shall be constructed on any Port Royal Plantation residential lot. The building shall have only one full-service kitchen, equipped with major appliances. Bonus rooms and other service areas intended for entertainment purposes are permissible but can only contain such features as a wet bar, wet bar-type sink, microwave oven, under counter refrigerator, ice maker and glassware storage. The total floor area of the heated/air-conditioned space of the building shall be at least 1700 square feet, and two-story homes shall have at least 1500 square feet on the main floor. The minimum floor area must also comply with any requirement specified in the owner's Deed. The maximum building "footprint" (which is the area contained within the projection on the ground of the outer edges of the building structures including overhangs, decks, service yards, porches, garages, etc.) shall be no more than 80% of the "buildable" area of the lot. The "buildable" area of the lot is defined as the total area within the applicable setbacks as described in paragraph 2.2.

All residences shall have an attached, enclosed garage. For newly constructed residences, the garage should accommodate at least two automobiles. Driveways and parking areas shall be paved with concrete, pavers, asphalt, brick or similar solid paving material. Dirt, gravel, stone dust, shells, pine straw, etc. are not acceptable. Sufficient driveway and parking areas shall be provided to accommodate at least two cars, in addition to any in the garage, without blocking access to the garage. There shall be no more than two driveway/parking area connections to the street. Design consideration should be given to turning radii and free-form driveways.

- Any improvements which change the footprint of an existing unpaved driveway will require the driveway to be constructed of either
 - concrete, pavers, asphalt, brick, or similar paving material or
 - gravel, stones, or similar non-paving material with the portions of the driveway adjacent to roads or leisure paths being of a paving material for a minimum of 4 feet and the remainder of the driveway and parking area defined by a solid border (concrete, brick, etc.) which will contain the driveway material.
- The guest parking area must be 18-20 feet in width and 18-20 feet in length to accommodate 2-car parking.
- Any turn or curve in the driveway must have a minimum radius of 15 feet.
- The width of the driveway must be a minimum of 10 feet.
- A side entrance garage can be no closer to a side property line than 30 feet.

No buildings detached from the residence may be constructed on the lot. No walls or fences are allowed, other than: 1) those attached to the main building and within the buildable area; 2) those allowed/required by specific subdivision rules; and 3) fences along a property line adjacent to a golf course where golf cart traffic could enter the lot. In the latter case, the fence must be set back one foot from the golf course property line, must be less than 18 inches high, and must be of unobtrusive design like a single split rail natural wood fence.

Existing grade elevation shall be considered the average original elevation under the building footprint. For lots where the existing grade elevation is less than 12 feet above mean sea level, the maximum elevation of any point on the building (except a chimney) shall be 46 feet above mean sea level. For lots where the existing grade elevation is over 12 feet above mean sea level, the maximum elevation of any point on the building shall be the existing grade elevation plus 34 feet. The Base Flood Elevation (BFE) required by the Town of Hilton Head Island is the minimum first floor elevation. Where the BFE is 18 feet or higher as required by code, the maximum building height may not exceed 32 feet above BFE.

2.2 Property Line Setbacks

The following definitions apply in the determination of Property Line Setbacks:

- Setback Line - A line at a predetermined distance inside and parallel to a specified property line.
- Setback Area - The area between the specified property lines and the applicable setback lines.
- Vertical Construction - The projection on the ground of the outer limits of any structure, the highest point of which exceeds 18 inches above finished grade (includes roof overhang, decks, service yards, porches, garages, etc.).
- Horizontal Construction - Any structure with maximum height of 18 inches, or less, above finished grade.

No vertical construction is permitted within the setback areas defined by the following setback lines:

- 50 feet from a property line adjoining a golf course, lagoon, ocean, dune area, marsh, or historical site;
- 35 feet from a property line abutting any roadway;
- 20 feet from all other property lines.

No horizontal construction may be closer than five (5) feet from any property line, except that walkways and driveways may cross the property line in order to provide access to the street. Pool decks may be no closer to the property line than 10 feet and within the side setback lines.

In areas where the first floor elevation is significantly higher than the existing grade, requiring numerous steps at the entrance, the PAB may allow some part of the entrance stair hand railing to encroach into the setback area.

In certain areas of the Plantation, special setbacks are allowed because of small lot sizes or unusual lot shapes. The applicant must contact the PAB to determine if these special setbacks apply to a particular lot. Where special setbacks do apply, the PAB shall provide the applicant the specific setbacks for that lot.

At the discretion of the PAB, the construction or placement of the following structures exceeding a height of 18 inches above finished grade are allowed within the setback area.

- Pole or post lights;
- Flagpoles no higher than 20 feet, flags no larger than 3-ft. X 5-ft., no more than 1 flag line and 2 flags;

- Decorative entry posts near the driveway entry;
- Basketball goals
- Firewood storage racks;
- Permanent seating no more than 21 inches high on decks and patios that are otherwise horizontal construction.

Play equipment should not be placed within 20 feet of any property line, except when adjacent to common property.

2.3 Filling, Grading and Drainage

No filling of natural lagoon or marshlands, or existing drainage ditches is allowed. Fill may be placed to allow concrete slab floor construction at the required elevation (BFE). Such fill shall not exceed three (3) feet in depth (three feet above original grade), shall not be placed at more than a 1-in-4 grade slope, and shall not be placed closer than five (5) feet to any property line. The depth of any fill placed on the lot above existing grade at a distance X from the property line shall not exceed the value $(X-5)/4$ feet; that is, the fill depth shall be no greater than one foot for every four feet of horizontal distance, measured from a point five feet inside the property line. No fill shall be placed anywhere on the lot at an elevation greater than three (3) feet above existing grade. Final grading of the lot shall avoid standing water by sloping toward available drainage, such as a lagoon, culvert, drainage ditch or swale along the road, and the grading shall be contoured to allow proper drainage along the street. If the depth of the swale needed to allow this drainage is excessive, then the driveway shall be fitted with suitable culverts (not less than 12 inches in diameter) at the applicant's expense, whether on his property or on adjacent Port Royal Plantation Common Property. Approvable culverts include HDPE plastic pipe and reinforced concrete pipe.

2.4 Architecture

Acceptable roof materials include wood shingles/shakes, asphalt or fiberglass shingles of at least 280 pounds per square weight, clay tile of a natural color when appropriate to the design and metal when appropriate to the design, provided the finish will allow rapid weathering. The value of the average roof pitch, measured from the eaves to the ridge, shall not be less than 5-in-12 (23 degrees above horizontal). Other roof materials may be acceptable, and will be considered, if proposed.

External antennas (including satellite dishes), weather stations and other such devices and structures affixed to any part of the residence are permitted provided they are sited to minimize visibility from adjacent residences, common properties and the beach to the extent possible while maintaining adequate reception performance. All such devices and structures must be less than 36 inches in any and all dimensions.

Acceptable exterior wall materials include wood (but not plywood), simulated wood, stucco and brick (provided it is "used" or simulated "used" brick of subdued earth tones). Large vertical wall areas that are not broken by windows or doors should be treated by some architectural feature to provide texture. The sides of all chimneys must be masonry or stucco. Metal or clay chimney flues which extend above the chimney cap

must be screened by means of a standing seam metal windscreen or other decorative feature. Metal windscreens, except copper, must be painted to match the chimney.

Window glass shall be plain or bronze or gray, but not colored, although small, decorative stained glass windows appropriate to the design may be acceptable. Glass or glass with coatings or films shall not reflect over 50% of ambient external light.

Installation of Hurricane Panel Systems for the protection of individual homes during major storms and hurricanes is permitted within Port Royal Plantation. The installation or subsequent alteration of such systems to a home must be submitted to the Plans Approval Board for prior approval. The following rules apply:

- The headers and sills required to hold the panels in place may be permanently installed around windows, doors and other openings chosen for protection by the homeowner, and must match the color of the surfaces on which they are mounted;
- The removable panels may be installed on the home after Hilton Head Island is placed under Hurricane Watch Condition by the Beaufort County Emergency Authority;
- Panels must be removed from the home within 10 days after passage of the storm;
- Hurricane Panel Systems may not be used for security or any other reason.

Exterior lighting may be provided to illuminate driveways, walkways and entryways, or to highlight landscaping features. Such lighting, however, shall be of low intensity and shall comprise a limited number of fixtures so as to avoid a gaudy or commercial appearance. Particular attention is needed to prevent post lights (or similar fixtures) from providing direct illumination toward neighboring homes. General illumination of the exterior of the house is not allowed. All exterior lighting, and interior lighting visible from the exterior, shall be shielded, directed and controlled by the homeowner so as not to disturb neighbors, street traffic or boating traffic. Higher intensity area lights are allowed provided that illumination occurs only during an emergency, and then only for a limited period.

In addition to the specific requirements in these Guidelines, the proposed building and site development plans will be evaluated for aesthetic considerations. Compatibility with the environment, neighboring buildings and site characteristics are major considerations in this evaluation. The objective is to produce a harmonious appearance throughout the Plantation, as defined in paragraph 1.3.

2.5 Pools

This includes swimming pools, lap pools and decorative landscape pools and spas. All pools shall be of permanent in-ground construction. Above-ground pools are prohibited. Pools must be set back at least 10 feet from the property line and within the side setback lines. The additional space provides ample room for landscape screening.

The preferred location of a swimming pool is directly behind the house. Front, side yard and rear corner locations may not be approved. The location of the pool equipment must be within a service yard attached to the house and in the buildable area. Propane tanks must be in a service area or buried. Landscape screening and/or low berms may be required to ensure privacy.

Pool enclosures may only be built within the buildable area of the property. Diving boards and slides are prohibited.

Fences may be permitted surrounding swimming pools, providing it is within the buildable area. These fences must be attached at both ends to the home and must be of a decorative steel or aluminum material, maximum 4 feet tall, with an open, and airy design, e.g. a wrought iron fence. The accepted colors are black or dark green. The fence must be landscaped on the outside to minimize its appearance. Plant sizes must meet all other landscaping criteria.

2.6 Colors

The exterior color of buildings should blend with the environment, not contrast with it. Thus, earth tone colors shall be used. Significant contrasts between two or more colors on the building should be avoided. White, off-white or light colors may be used for the frames, sash, mullions and muntins of windows and limited areas of trim where appropriate to the overall color scheme and setting, but larger areas must be avoided because of conflict with the natural background and with other colors on the building. All service doors, garage doors and arbors should be the same color as the primary color of the house. These color requirements apply to all exterior surfaces, including but not limited to, walls, roof, fascia, soffits, trim, doors, window frames, window mullions, roof protrusions such as plumbing and air vents, etc.

Applications for repainting must be filed and approved before repainting. All requests for repainting must be accompanied by an approximate 6" X 6" sample of the color on the same material that will be repainted. Repainting the same color does not exempt the homeowner from supplying the sample, nor guarantee approval.

2.7 Utilities

One or more attached and enclosed areas (service yards) shall be provided to house garbage containers, heating/air conditioning equipment, drying lines, propane tanks, pool equipment, electric meters, generators, electrical switching equipment, etc. The design and height of the fence/wall of the service yards shall screen these items from exterior view.

Completely underground connection to water, sanitary sewer, electricity, telephone and TV cables shall be provided.

2.8 Water Wells

Water wells may be provided for irrigation and water source heat pumps, and must comply with DHEC Well Standards and Regulations. Potable (drinking water) wells are prohibited. Wells may not be located closer than: (a) ten (10) feet from the home structure and any property line, or (b) 50 feet from any part of a septic system. A copy of the DHEC Water Well Permit must be submitted to the Board after well completion.

Ground source heat pumps using a closed-loop system are allowed. The number and spacing of "wells" is not restricted as long as no water is extracted from or inserted into the aquifer.

Connection of an irrigation system to any lagoon or drainage channel water source is prohibited.

2.9 Landscaping

Landscaping is required to enhance the beauty of the property, to screen items like service yards and parking areas, to restore areas damaged during construction and to provide a well-groomed look to the neighborhood. Rows of shrubs or trees that form a hedge ("living fence") are not allowed if desirable views from nearby properties or common properties are restricted. Siting of individual trees and shrubs should avoid significant restriction of desirable views. No bare earth areas are allowed; either grass, plants, mulch, or pine straw must be provided. Ground coverage by gravel, stones or similar material is not allowed.

2.10 Signs and Mailboxes

A standard Port Royal Plantation rural route type mailbox, including a newspaper receptacle, shall be installed by the Association for each developed property upon application and payment of required fees. This mailbox will be located at the side of the street (near the driveway entrance in most cases) and installed in compliance with US Postal Regulations. Engraved plaques with the street postal number and the owner's name are located on the mailbox. No other mailbox is allowed.

Each resident property owner may install, without PAB approval, one small (less than two square feet) sign, bearing only the owner's name and house number, facing the access street. No other signs of any kind are allowed anywhere on the applicant's lot, or on nearby Port Royal Plantation Common Property unless specifically authorized by the PAB (except the temporary signs allowed during construction as described in paragraph 4.5). A street number complying with Town requirement may be erected either as part of the name sign, mailbox post, or as a separate sign.

2.11 Construction on Common Property

No construction on Port Royal Plantation Common Property is permitted except as follows:

- Driveways and parking areas may extend across the common property between homeowner's property line and the paved access road. This area may be landscaped, but not so as to preclude road shoulder parking;
- For properties adjacent to the Marshes of Fish Haul Creek, owned by the Plantation as Common Property, docks may be constructed across the marsh to areas of water, as provided in the Association's "Tidal Creek and Marsh Dock Policy" adopted September 15, 1994, and amended August 18, 1999. These docks must have no structure higher than the railing, must project directly into the marsh, and must include no boat storage above the level of the dock and must not exceed 50 feet in length. The builder of the dock must execute a "Revocable License Agreement" with the Association;
- Construction of beach walkways may be permitted under the "Beach Walkway Policy", revised and adopted August 15, 2001. Walkways may be constructed over the dune field, which is Association Common Property, to access the ocean at only certain designated points. These are the 19 access points from Plantation roads to the coastal shoreline and the 12 access points that lead from clusters of private homes.
- The policy requires a maximum width of six feet for walkways. No other structures may be attached to, or be part of, the walkway including decks or platforms. The walkways must conform to Section 48-39-130(D) of the Rules and Regulations for Permitting in the Critical Areas of the Coastal Zone

2.12 Demolitions

When an existing home is demolished without approved plans for a new home, all structures, vertical and horizontal, must be removed (i.e. swimming pools and spas, pool equipment, propane tanks, driveways, walkways, etc.). Upon completion of the demolition, the lot must be fully restored by grading, leveling and covering all bare earth with pine straw or mulch.

3.0 REVIEW PROCEDURE

3.1 General Information and Fees

3.1.1 Application

The Application for Building Permit form (Exhibit 1) must be completed and submitted to the PAB with the required fee (refer par. 3.1.2) together with complete plans for the project (refer par. 3.3), **no later than Monday, one week prior to the Tuesday meeting**. An Application for Variance (Exhibit 2) must also be completed if the

applicant requests any variance from the Guidelines. The Administrator may be contacted for copies of the application and variance forms, and for clarification of fees or application form items.

3.1.2 Fees

The following non-returnable fees are required to be submitted with the application:

- New Construction: Minimum fee of \$1,000 up to 3,000 square feet under roof. Over 3,000 square feet, an additional cost of \$0.25 for each additional square foot.
- Demolition with no plans to rebuild \$300.00
- Demolition with plans to rebuild – New Construction fees will be applied
- Addition (any physical alteration of the exterior envelope of the structure, and new swimming pools): Minimum fee of \$300 up to 200 square feet. Over 200 square feet, an additional cost of \$0.25 for each additional square foot.
- Pool addition \$300.00
- Enclosing existing screen porch with glass and doors \$300.00
- Replacement of stucco \$300.00
- Replacement or reconfiguration of driveway \$100.00
- Other alterations (visible external effect but no envelope change) \$100.00
- Interior Remodeling No Fee
(Permit must be obtained for trash container on site)
- Tree removal, exterior painting, roof replacement or other minor external changes (special application forms are available at the administration office) No Fee

3.1.3 Escrow Deposits

The following escrow deposits must be submitted when the Port Royal Plantation Building Permit Agreement is signed. Separate deposits are required from the owner and from the builder. The deposits will be held by the PAB in an interest-bearing account; any interest accrued shall be for the benefit of the Association. These escrow deposits are to assure that the project is completed in accordance with the approved plans and specifications; that the job site is maintained in accordance with these Guidelines; that any property damage by the contractor is repaired; and that landscaping is provided in accordance with approved plans. The deposits will be returned upon satisfactory completion of all work, less any administrative fees as defined in Par. 3.1.4.

- New residence
 - Builder's escrow: \$2,000
 - Owner's escrow:
 - a. \$1.25 times the heated floor area in square feet, with a minimum of \$3,000.
 - b. If a pool is included in the plan, add \$500.
- Addition
 - Builder's escrow: \$1,000
 - Owner's escrow: 1.5% of the project cost, with a minimum of \$1,000.
- Pool addition
 - Builder's escrow: \$1,000.00
 - Owner's escrow: \$1,000.00
- Enclosing existing screen porch with glass & doors
 - Builder's escrow: \$1,000.00
 - Owner's escrow: \$1,000.00
- Replacement of stucco
 - Builder's escrow: \$1,000.00
 - Owner's escrow: \$1,000.00
- Replacement and reconfiguration of driveway: \$1,000.00
- Other alterations (visible external effect but no envelope change): \$1,000.00

If an existing home is razed or substantially stripped to foundation and framing, the project will be defined as new and the escrow deposit calculated as same.

NOTE: Owners who act as the general contractor on their own project must pay the builder's escrow deposit as well as the owner's escrow deposit.

3.1.4 Administrative Fees

The PAB shall deduct the following administrative fees from the Escrow Deposit upon violation of the indicated requirements:

- Failure to provide trash containers and a portable toilet; failure to maintain a legible Building Permit in a readily visible location on the site; improper signage; overfull trash containers; improper behavior by construction workers; failure to secure trash/litter/debris at the end of each day; being on site after 6:00 p.m. without permission; creating a fire; creating a nuisance (refer to Section 4.0 Construction Site Regulations) - **\$50.00 per incident per day**. Continuing violations may result in the shut-down of the project until compliance;

- Start of tree removal, demolition, grading or excavating, or any construction without a valid Port Royal Plantation Building Permit - **\$1,000.00**. This violation warrants possible expulsion of the offending contractor from any construction work within the Plantation;
- Exterior plan or specification (including color) change not requested but found during construction (refer par. 3.5) - **\$50.00**;
- Variance not requested but found during construction (refer par. 3.5) - **\$100.00**;
- Inspections requested by the contractor or owner and work found to be incomplete - **\$50.00 per occurrence**.

Retention by the PAB of such administrative charges from the escrow deposit shall not in any way relieve the owner and building contractor of further liability for non-compliance.

3.1.5 Permits

After satisfactory review and approval of the application, the complete plans (including landscape), other required forms, and related correspondence, the PAB will prepare an approval letter detailing each step in the construction process. Enclosed with this letter will be the Letter of Acknowledgement and the Drainage and Tree Compliance Agreement (Exhibits 3 and 4). After execution of these documents, receipt of the Escrow Deposits and successful completion of the Stake Out Inspection as defined in paragraph 3.6.1, the PAB will issue a Port Royal Plantation Building Permit (Exhibit 5). The permit, in addition to all other required building permits, is the authority to proceed with clearing, grading and foundation forms placement. Permitting of further work will be in accordance with paragraph 3.6.2, Batter Board Survey Inspection and 3.6.3, Driveway Inspection.

A complete set of the plans and specifications, the Application for Building Permit, other required forms and related correspondence, as approved by the PAB, will be retained in the PAB files. These documents are the basis for subsequent site, work-in-progress and final inspections by representatives of the PAB. It is the policy of the PAB to inspect each building site regularly for construction progress and compliance with the approved plans and specifications.

3.1.6 Changes

If any changes to the approved plans and specifications involving the exterior of the structures or the site are desired during construction, documentation of such changes must be submitted to the PAB for approval on the Change Request Form (Exhibit 6). If the change constitutes a variance from the Guidelines, a Variance Request Form must be included. No work on an exterior change is allowed until the request is approved in writing. Interior changes must be reported, although no approval is required.

3.2 Plan Review Procedures

3.2.1 Conceptual Review

If an applicant, prior to detailed plan preparation, has a concern about the acceptability of any planned architectural features, structural layout or site development under the Guidelines, a conceptual description may be submitted to the PAB for informal evaluation and comment. This approach may avoid costly plan revision and delay during the approval process. There is no fee for a conceptual review.

3.2.2 Preliminary Review

If the applicant is concerned about the acceptability of the project design, a preliminary review may be requested by submitting an Application for Building Permit form, with the appropriate box checked, along with the full fee. The submission must include a site plan, at an appropriate scale, showing: the required setbacks; the footprint of all structures dimensioned to the property lines; the tree survey; existing grade elevations; and sketches of the building elevations. The preliminary review will be conducted at a regularly scheduled PAB meeting. This preliminary review is for information purposes only, and is in no way binding on the PAB to subsequently approve any facet of the project.

NOTE: A CERTIFIED AS-BUILT SURVEY AT A SCALE OF 1/8-INCH, WITH BUILDING SETBACKS DRAWN, MUST BE SUBMITTED FOR ALL ADDITIONS.

3.2.3 Final Review

3.3 Submittal Requirements

Two copies of the documentation described below must be submitted to the PAB. These copies will be retained by the PAB. **Documents must be submitted no later than Monday, one week prior to the Tuesday meeting.**

3.3.1 Site Plan

A site plan based on a certified survey at an appropriate scale for a 24x36-inch sheet is required showing:

- Topographical one-foot contours and lot corner elevations of the original grade, and any applicable government restrictions;
- All trees over 6-inch diameter measured at 4.5 feet above the ground; groups of three or more trees within three (3) feet of each other, each of which exceeds three (3) inches in diameter measured four and one half (4.5) feet above the ground, the tree species, and those trees which are proposed to be removed indicated by an "X";

- The required setback lines along with the extreme edges of all proposed vertical construction (over 18 inches above final grade) including, but not limited to, the building and its roof overhangs (roof overhang perimeter to be indicated by solid lines and the foundation perimeter by dashed, broken lines), porches, decks, service yards, fences, heating/air conditioning equipment, etc., dimensioned to the property line;
- Major features on adjacent properties including the edges of vertical construction, roads, paths, marshes, lagoons, ponds, dunes, swales and culverts (with sizes and inverts), golf courses, any applicable government restrictions, etc.;
- All proposed horizontal construction (less than 18 inches above final grade) including driveways, parking areas, paths, walkways, planters, pools, decks, patios, etc.;
- The location of any other fixed structures, not directly related to the residence, sited on the property;
- Service entry to lot for water, electricity, telephone, cable TV; sanitary sewer connection;
- Location, size and depth of any proposed wells.

3.3.1(A) As-Built Survey

All additions will require the submittal of a certified as-built survey at a scale of 1/8-inch, with building setbacks drawn.

3.3.2 Grading and Drainage Plan

The Grading and Drainage Plan shall be on a 24X36-inch sheet at a scale no smaller than 1 inch = 10 feet, shall be sealed by a registered S.C. Professional Engineer, Architect or Landscape Architect, and shall include the following:

- Existing and planned final elevation contours at one-foot or less intervals, and a statement of the Base Flood Elevation (BFE) required for the lot;
- Existing elevations of the lot corners, the adjacent street, and the ditch/culverts of adjacent lots;
- Location, size, elevation, and materials of all planned retaining walls, swales, berms, tree protection, culverts, and connections to off-site drainage ditches, lagoons, etc.;
- Drainage flow indication showing run-off away from adjoining lots to appropriate collection areas.

3.3.3 Landscape Plan

Landscaping diagram showing the size, species and location of all existing (retained) trees and shrubs; species and size of proposed individual trees, shrubs and plant materials; grass and mulched areas; gardens; along with the footprint of buildings and horizontal construction, and the location and type of all exterior lights. All berms should be shown by location and elevation.

- The minimum size for medium shrubs must be 7 gallons. The minimum size for dwarf shrubs must be 3 gallons.
- Sizes of plantings on a Landscape Plan must be specified by container size, height, and spread of plant.

A landscape diagram is required for all new construction as well as additions and renovations unless exempted in writing by the PAB Administrator.

3.3.4 Architectural Plans

Fully dimensioned architectural plans on a 24X36-inch sheet at a scale of 1/4 inch per foot are required including:

- Floor plans with computation of heated/air conditioned area (in sq. ft.) by floor and for the total building, including indication of the roof overhang perimeter by dashed, broken lines;
- All elevations must show a schedule of colors, keyed to the elevation drawings. Each of the features shown on the elevation drawings must indicate the specific color and material.
- Elevation views of all sides showing treatment of all exterior surfaces, finished main floor elevation, other floor elevations, maximum building roof height above the main floor, original and final grade levels and a statement of the Base Flood Elevation (BFE) required for the lot;
- Typical construction details including wall sections, dimensioned roof overhangs, trim, lattices, service yard and privacy walls, etc.;
- Complete definition of any other structures (planters, decorative columns, pole lights, pool, water-fall, etc.) to be erected whether attached or separate from the main building. If any part of a pool or spa projects 18 inches above grade, an elevation drawing is required.
- In the case of additions to existing structures, the specific addition must be clearly defined in the construction drawings. The addition must be identified in the complete floor plans and elevation drawings. This may be accomplished by “clouding” or “cross-hatching” the new portions.

3.3.5 Exterior Colors and Materials

Complete definition, including samples, of all exterior construction is required including the material, color and finish of all exterior construction (siding, soffits, fascia, trim, roof, window frames, mullions (muntins/grilles/grids), doors, chimneys, roof projections, exposed foundation, etc). Samples shall be the actual material and color to be used and shall be about 6X6-inch in size. Color boards and paper samples are not acceptable. The front entrance door may be painted a color chosen by the property owner. Consideration should be given to the primary color of the home.

3.4 Project Approval

After receipt of the Application for Building Permit and all required submittals by the due date, the project will be reviewed at the next scheduled PAB meeting. **Plans are due no later than Monday, one week prior to the Tuesday meeting.**

If the project is approved, the PAB will prepare a Port Royal Plantation Building Permit Agreement and a Port Royal Plantation Building Permit (refer par. 3.6.1), which authorizes the start of construction in stages. The permit must be prominently posted at the site, along with the Town of Hilton Head Island Building Permit. Construction work must start within ninety (90) days of the date of Port Royal Plantation Building Permit, and be completed within one (1) year of the permit date. Additions must be completed in a reasonable and timely fashion.

If the project is disapproved, a letter citing the reasons for disapproval shall be sent to the applicant. The applicant may resubmit revised plans that are in compliance with the PAB's letter. No additional fee is required for this submittal. The applicant may appeal in accordance with paragraph 3.4.2.

3.4.1 Variances

It is the policy of the Association Board to discourage variances. Historically, the majority of applicants who built in the Plantation have not requested variances. Variances from the Guidelines may be granted, under certain circumstances. Each variance request must be identified and requested separately on the Plantation's Application for Variance Form and must include sufficient information and facts to support the PAB granting of the variance request.

The PAB may grant the variance if it determines the applicant has demonstrated all of the following:

- 1) by reason of the size, shape, or topography of the land, strict application of building Guidelines would result in a burden on the applicant's land, which burden is generally not shared by other properties in the vicinity;
- 2) granting of the variance would not result in significant impairment of the value of surrounding properties;

- 3) the hardship to the property was not caused by the applicant; and
- 4) the spirit and intent of the Guidelines would not be offended by the granting of the variance.

The PAB will schedule a hearing on any variance request. Notice of the variance being requested and date of hearing will be conspicuously posted on the subject property at least three weeks prior to the date of the hearing. Details of the project and variance will be available at the Plantation Office for review. In addition, for setback variance requests exceeding two feet the same notice will be sent, at least three weeks prior to the date of the hearing, by regular mail (with proof of mail), to the owners of record of properties located within 300 feet of the subject property. Any Plantation property owner may appear at the hearing and will be given the opportunity to comment on the variance being considered. Any Plantation property owner may submit written comments about a variance request at any time to the Plans Approval Board.

Any person aggrieved by a decision of the PAB on a variance request may appeal to the Association Board. An “aggrieved person” is defined herein as the applicant, or any owner of property located within 300 feet of the subject property who has protested granting of the variance request, either in person at the variance request hearing or in writing prior to the hearing. The appeal must be made in accordance with the appeal provisions of paragraph 3.4.2.

3.4.2 Appeals

The applicant has the right to appeal any adverse decision on the Application for Building Permit or a variance request to the Association Board. The appeal must be made within 15 days from the date written notice of the PAB’s decision was mailed to the applicant. Copies of this notice will be sent to all “aggrieved persons”. The appeal must be in writing, contain the basis of the appeal, and a statement requesting the action to be taken by the Association Board. A hearing, open to all Landowners, will be scheduled by the Association Board within 60 days from the date a timely appeal is received.

PAB decisions on variance requests may also be appealed to the Association Board by “aggrieved persons” as defined in Paragraph 3.4.1, Variances. Variance appeals must be received by the Association Board within 15 days from the date written notice of the PAB’s decision was mailed to the applicant. Only appeal applications containing the following information will be considered: name and address of the person filing the appeal; evidence that the person filing the appeal is an “aggrieved person”; the decision being appealed; the grounds of the appeal; and the action requested to be taken by the Association Board. A hearing, open to all Landowners, will be scheduled by the Association Board within 60 days from the date a timely appeal is received.

3.5 Post Approval Control

External changes of an approved project are **not** permitted **without** PAB approval. Plan and specification changes must be submitted to the PAB on the Change Request

Form (Exhibit 5), along with modified or marked-up plans defining the proposed change. If the proposed change constitutes a variance, a Variance Request Form must be included. No additional fee is required. No work on external plan changes shall be performed until the PAB renders its decision. Internal changes, with no effect on the exterior shape or appearance of the project, must also be submitted, but require no PAB approval or permit amendment.

If any construction not shown on the approved plans and specifications is discovered prior to project closure, such changes must be submitted to the PAB on the Change Request Form, along with revised or marked-up plans defining the change. An Administrative Fee of \$50.00 will be applied. If the change constitutes a variance to the Guidelines which was not specifically authorized by the Port Royal Plantation Building Permit, it must be submitted on the Variance Request Form. An Administrative Fee of \$100.00 will be applied. Construction on that section of the structure that involves the change and/or variance shall cease until the PAB renders its decision. If the PAB disapproves the change and/or variance, it must be corrected.

3.6 Required Inspections

3.6.1 Stake Out Inspection

After project approval, escrow payment and Building Permit Agreement signing, the applicant must have stakes and strings placed to indicate the location of the horizontal limits of all proposed construction (vertical and horizontal) and the property lines, marked to distinguish the various elements (house, garage, service yard, deck, etc). Trees to be removed must be tagged with ribbons, and ribbons **MUST** be removed from all other trees. The applicant must contact the Administrator for an inspection of the site layout. After approval of the string/stake out, the Building Permit will be issued, validated for site clearing and batter board or forms placement.

3.6.2 Batter Board Survey Inspection

After the applicant has completed site clearing, batter board placement, foundation excavation/grading/filling, setting of forms, or pier construction, the applicant must have the location and elevation of the forms and any other vertical construction certified by a South Carolina Registered Land Surveyor. **If the structure is to be built on a slab, no concrete may be poured until the survey is received, the site inspected and the "Construction Permitted" section of the Building Permit is validated. If the structure is on piers, the piers may be built (to establish elevation), but no further work is permitted until the survey procedure is completed and approved.**

The survey must be documented by submission of a site plan, at an appropriate scale, showing the dimensions between the property lines and all sides of the proposed vertical construction. The survey must also show the elevation of the top of the main floor slab, or top of piers (that is, the actual elevation of the top of the piers/walls must be shown, with a note indicating the allowance for the height of the floor above this), and must be signed, dated and sealed by the Registered Land Surveyor.

After completion of the survey, the applicant must request a site inspection by contacting the Administrator. No further construction of any kind is allowed until the PAB finds the certified site plan to be in accord with the approved plans, inspects the site and signs the "Construction Permitted" line on the Port Royal Plantation Building Permit.

3.6.3 Driveway Inspection

When the applicant has completed preparations for the pouring or laying of the driveway, the applicant must contact the Administrator for an inspection of the driveway drainage swale and/or culvert for elevations, sizes and materials. Forms or lines on the ground must clearly delineate the areas to be paved. **The driveway shall not be poured or laid until the PAB approves the layout and drainage by signing the "Driveway Permitted" line on the Port Royal Plantation Building Permit.**

3.6.4 Final Inspection

During the course of construction, the PAB and/or its representatives will regularly inspect the site to ensure that work is proceeding in compliance with the approved project plans and documents, and that construction site requirements are met.

When the applicant has completed the project, including landscaping, in accordance with the Port Royal Plantation Building Permit, the applicant shall submit a letter to the PAB signed by the owner (or owner's agent) and the builder, certifying that all permitted work has been completed in accordance with the plans and specifications, and any amendments thereto, approved by the PAB. A copy of the Certificate of Elevation and the Town of Hilton Head Island Certificate of Occupancy must also be submitted to the PAB. Where applicable, the Department of Health and Environmental Control water well permit/record must also be submitted.

If the PAB concurs that all permitted work has been completed in accord with approved plans and specifications, the Escrow Deposit, less any administrative fees assessed (refer par. 3.1.4), shall be returned to the applicant.

If the PAB finds that the permitted work was not in compliance with the approved plans and specifications, the PAB will issue a letter to the applicant stating the reasons for non-compliance. The applicant must correct the deficiencies and resubmit a letter certifying completion.

4.0 CONSTRUCTION SITE REGULATIONS

4.1 Permits

All contractors must obtain decals or day permits from Port Royal Plantation Security for all vehicles that are used on the Plantation.

No tree removal, clearing, grading, excavating or filling in preparation for construction, nor any construction is allowed without a properly executed Port Royal Plantation Building Permit (and a Town of Hilton Head Island Building Permit where applicable).

All Building Permits must be prominently posted near the job site front property line, easily observed from the road, securely fastened and protected from the weather.

4.2 Utilities

The contractor is responsible for providing water and electrical service at the job site prior to starting any work that requires their use. Obtaining water or electricity from neighboring houses is prohibited.

4.3 Property Use

The contractor, subcontractors, and all personnel and equipment must remain on the job site lot at all times while within Port Royal Plantation. The contractor is not allowed to use or trespass upon neighboring lots or Port Royal Plantation Common Property, except for the property between the access road and the property boundary. The contractor shall construct a temporary driveway entrance of compacted earth or gravel connecting the lot to the road at one point, graded so as not to interfere with drainage along the road, in order to minimize any damage to the edges of the roadway. Any damage to roads, trees, shrubs, signs or other property within Port Royal Plantation caused by contractor or subcontractor personnel or equipment must be restored at no expense to the Association.

The access roads to all construction sites must be kept clean. All earth, debris, etc. must be removed by brooming or washing on a daily basis. Any spills (debris, soil, concrete, petroleum products, paint, etc.) must be removed immediately after each occurrence.

If it is not possible to perform the construction work without using Common Property for access, the applicant may request permission to do so from the PAB. If permission is granted, it shall be included in the Building Permit Agreement. Permission to use privately owned property must be obtained in writing from the owner and provided to the PAB.

It is the responsibility of the Owner to restore any adjacent property, approved for access or otherwise damaged, to its original condition prior to requesting a Final Inspection of the project.

4.4 Temporary Structures and Construction Equipment

Temporary structures may be placed upon the lot during construction with prior written consent of the PAB. The PAB's consent will be based upon the applicant's proof of the need for the structure and the acceptability of its configuration. The temporary structures shall at no time be used for living quarters, and shall be removed upon completion of construction of the building.

Small construction equipment, such as power tools, tool boxes, generators, etc. may be left at the site. Larger equipment such as earth movers, vehicles, trailers, etc. may not be left overnight unless specifically authorized by the PAB.

Neither the ALOPRP Board of Directors, the PAB nor any of their employees shall be held liable for the loss of any temporary structures, tools, materials or equipment from any project site.

4.5 Site Maintenance

The site shall be kept clear of debris, litter and trash by using at least one small trash container and one large container. The container(s) must be placed on the construction site only. Trash shall be placed directly into these containers, and at the end of each day the owner/contractor shall assure that any loose litter/trash on the site or adjacent property is placed in the containers and shall cover the containers. The containers must be emptied as often as necessary to assure trash does not spill or blow out. All such trash, debris and litter shall be removed from the Plantation. No dumping of any kind is allowed within the Plantation.

All vehicles used to haul trash, fill dirt, debris, building materials, etc., must be equipped with a net or cover to contain loose material and loaded so as to prevent all spillage. If spillage does occur within the Plantation, it shall be promptly removed by the owner/contractor.

No trash burning or fires of any kind, no fishing or hunting and no nuisance such as loud radios or loud profane language is permitted within the Plantation. All construction workers and their equipment are to remain on the project site at all times. No animals or pets of construction workers, nor any persons not employed on the job, shall be allowed on the Plantation.

A portable toilet shall be provided at the construction site by the applicant and shall be placed in an unobtrusive location, on the construction site only, subject to any codes of the Town of Hilton Head Island.

No signs are permitted on the site except one sign for the contractor and one sign for the architect/designer. These signs shall be located adjacent to the access street, facing the street, and shall not be erected until a Port Royal Plantation Building Permit is posted, and removed as soon as construction is complete. Such signs shall not exceed six (6) square feet in area.

The owner of a home not immediately occupied after construction shall be responsible for properly maintaining the house and grounds until occupancy.

4.6 Working Hours

Construction work is permitted only on weekdays (Monday through Friday) that are not South Carolina legal holidays, and only between the hours of 7:00 a.m. and 6:00 p.m. or until dark, whichever comes first. The first offense may be cited with a written warning,

the second offense with a fine of \$50.00 and any future offenses will result in additional fines and/or suspension of Plantation access. Permission to work at other times, in cases of emergency, may be requested from the Port Royal Plantation Manager.

5.0 FAIRWAY WINDS, OCEAN POINT, SEABREEZE AND SEASIDE

These Guidelines shall apply to residential units in the Fairway Winds, Ocean Point, Seabreeze and Seaside subdivisions unless specific portions are superseded by Covenant restrictions specifically governing that subdivision. In any event, the recorded instruments referenced in paragraph 1.1 apply to all properties subject thereto. Projects within Fairway Winds, Seabreeze and Seaside are administered under these Guidelines. In the case of Ocean Point, final approval is only granted by the PAB after the Ocean Point Architectural Committee has approved the project in writing.

6.0 INTERPRETATION AND SEVERABILITY

Whenever possible, each provision of these Guidelines and Procedures shall be interpreted so as to be valid and effective under applicable law, but if any provision of these Guidelines and Procedures shall be prohibited, invalid, or unenforceable under any particular circumstances, that provision shall be ineffective only to the extent of the prohibition, invalidity or unenforceability without invalidating that provision under any other circumstances or invalidating the remaining provisions of these Guidelines and Procedures.